

ORDINANCE NO. 308

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS  
AMENDING THE COMPREHENSIVE ZONING ORDINANCE  
OF THE CITY OF ADDISON, AS HERETOFORE AMENDED,  
SO AS TO GRANT A SPECIAL USE PERMIT FOR THE  
SALE OF BEER AND WINE FOR OFF-PREMISES CON-  
SUMPTION, UNDER SPECIAL CONDITIONS, ON THE  
FOLLOWING DESCRIBED PROPERTY TO-WIT:

Being a part of the Joshiah Pancoast Survey, Abstract 1146,  
and part of that certain tract described in deed to J.R. and  
Jack G.S. Maxfield, filed 8-18-59 and recorded in the Deed  
Records of said County, and being more particularly described  
by metes and bounds as follows:

BEGINNING at an iron rod for corner in the present West line  
of Inwood Road, a 60 foot right-of-way, said point being  
S 17 degrees 15' E 941.99 feet from the Southern most corner  
of the visibility clip on the South line of Belt Line Road,  
a 100 foot right-of-way, point also being the southeast corner  
of that certain one acre tract of land conveyed to Thomas  
O'Dwyer by deed dated 2 May 1974 and recorded in the said  
Deed Records;

THENCE S 17 degrees 15' E 100.00 feet along the said present  
West line of Inwood Road to an iron rod for corner;

THENCE West 280.64 feet parallel to the South line of said  
O'Dwyer tract to an iron rod for corner;

THENCE North 95.50 feet to an iron rod for corner, the South-  
west corner of said O'Dwyer tract;

THENCE East 250.99 feet along the South line of the said  
O'Dwyer tract to the point of beginning and containing  
0.5828 acres of land.

PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM  
OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE;  
PROVIDING FOR NO SEVERABILITY; AND PROVIDING FOR THE  
EFFECTIVE DATE.

WHEREAS, the City Planning Commission of the City of Addison and the Governing Body of the City of Addison, in compliance with the laws of the State of Texas and the ordinance of the City of Addison, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that the Comprehensive Zoning Ordinance should be amended; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON,  
TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Addison, Texas, as heretofore amended, be, and the same is hereby amended by amending the Zoning Map of the City of Addison, so as to grant a Special Use Permit for the sale of alcoholic beverages as follows:

" Sale of beer and wine for off-premises  
consumption only"

Said Special Use Permit shall be granted, subject to special conditions, on the following described property, to-wit:

Being a part of the Joshiah Pancoast Survey, Abstract 1146, and part of that certain tract described in deed to J.R. and Jack G.S. Maxfield, filed 8-18-59 and recorded in the Deed Records of said County, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod for corner in the present West line of Inwood Road, a 60 foot right-of-way, said point being S 17 degrees 15' E 941.99 feet from the Southern most corner of the visibility clip on the South line of Belt Line Road, a 100 foot right-of-way, point also being the southeast corner of that certain one acre tract of land conveyed to Thomas O'Dwyer by deed dated 2 May 1974 and recorded in the said Deed Records;

THENCE S 17 degrees 15' E 100.00 feet along the said present West line of Inwood Road to an iron rod for corner;

THENCE West 280.64 feet parallel to the South line of said O'Dwyer tract to an iron rod for corner;

THENCE North 95.50 feet to an iron rod for corner, the Southwest corner of said O'Dwyer tract;

THENCE East 250.99 feet along the South line of the said O'Dwyer tract to the point of beginning and containing 0.5828 acres of land.

SECTION 2. That the above Special Use Permit is granted subject to the following special conditions, to-wit:

- (1) That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the site plan including landscape plan and the elevation drawings showing four (4) exterior walls which are attached hereto and made a part hereof for all purposes.
- (2) That the Specific Use Permit granted herein shall be limited to:  
  
Sale of beer and wine for off-premises consumption only and to that portion of the building designated on the site plan attached hereto as being outlined in red and encompassing 590 square feet.
- (3) No signs advertising sale of alcoholic beverages shall be permitted under other than those authorized under the Liquor Control Act of the State of Texas, and any sign ordinance of the City of Addison, as well as well as the approved elevations of the building.
- (4) Any use of property considered as a nonconforming use under the Comprehensive Zoning Ordinance of the City of Addison shall not be permitted to receive a license or permit for the sale of alcoholic beverages.
- (5) That if the property for which the special use permit is granted herein is not used for the purposes for which said permit was granted within one year after the adoption of this ordinance, the City Council may authorize hearings to be held for the purpose of considering a change of zoning on such property.

- (6) That if a license or permit to sell beer and wine on property covered by this special use permit is revoked, terminated or cancelled by proper authorities, the City Council may authorize hearings to be held for the purpose of considering a change of zoning.

SECTION 3. That it is the intention of the City Council that this ordinance be considered in its entirety, as one ordinance, and should any portion of this ordinance be held to be void or unconstitutional, then said ordinance shall be void in its entirety, and the City Council would not have adopted said ordinance if any part or portion of said ordinance should be held to be unconstitutional or void.

SECTION 4. That any person, firm or corporation violating any of the provisions of this ordinance shall, upon commission, be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each day such violation continues shall constitute a separate offense.

SECTION 5. The fact that the sale of alcoholic beverages in the City of Addison is authorized only under Special Use Permits as provided for in the Comprehensive Zoning Ordinance of the City of Addison, and the City Council having found that the property described herein is suitable for such uses, and that a special permit for such use should be granted, this ordinance shall become effective from and after its adoption, and publication of the caption of said ordinance, as the law in such cases provides.

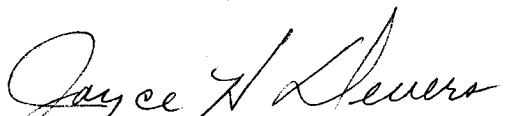
OFFICIAL DRAWINGS RELATING TO THIS  
ORDINANCE ARE FILED IN THE OFFICIAL  
ORDINANCE DRAWING BINDER, VOL. 1

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON,  
TEXAS, on this the 4<sup>th</sup> day of January, 1977.


APPROVED:

  
MAYOR

ATTEST:

  
CITY SECRETARY

APPROVED AS TO FORM:

  
CITY ATTORNEY